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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 3.15 p.m.

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/53/287)

1. **Mr. al-Akwaa** (Yemen) said it was regrettable that, in many parts of a strife-torn world, the principles of humanitarian law were violated on an almost daily basis. Among the worst such violations were those occurring in the occupied Arab territories as a result of Israeli practices, which were crimes under international humanitarian law for which the perpetrators should be held legally accountable and punished. With a view to avoiding civilian suffering, peaceful means should always be used to find just, comprehensive and lasting solutions to conflicts among States. In that context, he wished to know why United Nations resolutions had not been implemented to solve the Palestinian problem and end the Israeli occupation of southern Lebanon and the Syrian Golan. In the light of the agreements concluded between the Palestinian Authority and the Government of Israel, the latter country should surrender to the will of the international community calling for a just, comprehensive and lasting solution, particularly since it was not in Israel's long-term interest to pursue its hostility towards its Arab neighbours.

2. He urged States to recognize the competence of the International Fact-Finding Commission established pursuant to Additional Protocol I commended the efforts of the International Committees of the Red Cross and the Red Crescent to alleviate the suffering of civilians who were victims of foreign occupation and armed conflict, and endorsed the recommendations and decisions which had emerged from their twenty-sixth conference. He also supported the resolutions adopted at the tenth emergency special session of the General Assembly and looked forward to participating actively in the proposed conference on measures to enforce the fourth Geneva Convention of 1949 in the Occupied Palestinian Territory, including Jerusalem.

3. **Mr. Park Hee-kwon** (Republic of Korea) said that the Geneva Conventions of 1949 and their Additional Protocols had contributed effectively to diminishing the impact of the world's armed conflicts. However, in view of the increase in intra-State violence and tension following the end of the cold war and the threat thus posed to international peace and security, it was particularly important to review the status of the Additional Protocols. He urged States which had not yet done so to accede to the Conventions and the Additional Protocols as soon as possible with a view to securing universal acceptance and application of the norms of international humanitarian law. In that connection, although encouraged by the increased number of States Parties to the Additional Protocols, he noted that their provisions had not yet been fully implemented and had also been frequently violated as conflicts escalated. The States Parties should therefore promote wider dissemination and more effective implementation of the norms of international humanitarian law at the domestic level, while also strengthening the monitoring mechanisms of the Protocols and other rules of humanitarian law at the international level; the establishment of the International Tribunals for Rwanda and the former Yugoslavia were an important step forward in that connection. The same applied to the adoption of the Rome Statute of the International Criminal Court, as the Court would serve as an effective guarantor of the provisions of the Additional Protocols. His Government would continue to play an active and constructive role in the work of the Preparatory Commission for the Court. Given its own war experiences and its consequent attachment to the development of international humanitarian law, it had also promoted at the domestic level the dissemination of such law, including the Additional Protocols, which, as an original signatory, it had implemented in good faith. Moreover, its military personnel who participated in United Nations peacekeeping operations were specially trained to respect the provisions of humanitarian law. In conclusion, he reiterated his Government's willingness to cooperate fully with the international community with a view to the progressive development and wide dissemination of the two Additional Protocols.

4. **Mr. Tarabrin** (Russian Federation) said that in an era when it had become commonplace to hear of highly refined methods of killing, of the barbaric treatment of prisoners, the wounded or the civilian population and of hostage-taking, mass deportations and desecration of the dead, the time had come to mobilize the enormous potential of international legal measures to protect the victims of armed conflict and narrow the boundaries of what was permissible in the waging of war. An important step in that direction had been taken by the establishment of the International Criminal Court, which would be competent to try crimes against humanity and war crimes.

5. In his country there had been substantial progress in recent years in the process of incorporating international humanitarian law, and particularly the Protocols Additional to the Geneva Conventions, into domestic legislation. A provision had been added to the Criminal Code, outlawing the harsh treatment of prisoners of war, the deportation of the civilian population and the plundering of occupied territory. The recruitment, training or financing of

mercenaries, or their use in armed conflict, had also been made illegal. In line with article 47 of Protocol I, therefore, a mercenary could not enjoy the status of a combatant and was committing a criminal offence. On the basis of articles 55 and 56, the mass destruction of vegetation or animals, the pollution of the atmosphere or water resources and any activity liable to cause an environmental disaster were also punishable offences.

6. In line with article 81 a presidential decree on government assistance for the Russian Red Cross Society had been adopted and a law on the Society's status was being drafted. Discussions were also taking place on establishing an interdepartmental commission on the further incorporation of international humanitarian law into Russian legislation. In accordance with its traditions, the Russian Federation deemed it a duty to support any move to protect the victims of conflicts, whether international or internal. His delegation therefore called on Governments that had not yet done so to ratify the Additional Protocols and thus contribute to the further strengthening of international humanitarian law.

7. **Mr. Politi** (Italy) said that he wished to reiterate his country's commitment to promoting the widest acceptance of international humanitarian law as codified by the Geneva Conventions of 1949 and their Additional Protocols. In view of the importance of universal adherence to the principles and provisions of international humanitarian law which they embodied, he was pleased to note the clear trend towards their universal acceptance and urged those States which had not yet ratified the Protocols or accepted the competence of the International Fact-Finding Commission to do so.

8. In the light of the recent grave and systematic breaches of humanitarian law it was essential to devise effective mechanisms to prevent such breaches and bring the perpetrators to justice. In that context, the recent adoption of the Rome Statute of the International Criminal Court represented a historic achievement. The Court would undoubtedly help to deter future breaches of international humanitarian law and ensure that those responsible for such crimes would not escape with impunity. He emphasized the significant role of the International Committee of the Red Cross (ICRC) in protecting the victims of armed conflicts, as well as in promoting and disseminating awareness and application of international humanitarian law. He particularly welcomed the activities of the ICRC Advisory Service in supporting efforts by States to implement such law in their domestic legal systems and in facilitating the exchange of information between Governments in that regard. He also welcomed the first periodic meeting of States parties to the Geneva Conventions of 1949, convened in January 1998 by their depositary, to consider general problems regarding the application of international humanitarian law.

9. **Mr. Gomaa** (Egypt) said that his country attached special importance to the provisions of the Additional Protocols, particularly those of Protocol I, which significantly complemented the system of international humanitarian law. There was general international recognition that the Geneva Conventions and their Additional Protocols were applicable to the occupied Palestinian territories; that being so, the meeting of States parties to the Conventions convened by their depositary to consider general problems regarding the application of international humanitarian law, although important, was not a substitute for the conference on measures to enforce the fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, which had been recommended by the tenth emergency special session of the General Assembly. His delegation attached great importance to that conference, in which connection he drew attention to article 7 of Additional Protocol I concerning requests for the convening of a conference of the States parties.

10. **Mr. Kachurenku** (Ukraine) said that it was incumbent on the international community to find adequate remedies for the growing and dangerous phenomenon of intra-State conflicts. Efficient international mechanisms were also required to ensure the prosecution and suppression of heinous military crimes, which threatened international peace and security. In that connection, attention should be focused on the regrettable failure to implement duly the provisions of international humanitarian law. It was therefore essential to seek wider dissemination and more effective implementation of the Additional Protocols with a view to attenuating the consequences of internal armed conflicts and strengthening the practical value of the relevant legal regime. It was to be hoped that States which had not yet done so would ratify the Additional Protocols and also recognize the competence of the International Fact-Finding Commission, whose purpose was not only to establish the facts but also to restore respect for humanitarian law in general and protect the legitimate interests of war victims. He fully supported the role of ICRC in offering such protection and reaffirmed his strong commitment to consolidating existing international humanitarian law and ensuring effective implementation of the applicable norms at all levels.

11. **Ms. Nasser** (Observer for Palestine) said that the Additional Protocols represented a valuable and needed addition to international humanitarian law, particularly as they filled small gaps in the four Geneva Conventions of

1949. She emphasized that according to article 1, paragraph 4, the situations to which Protocol I applied included armed conflicts in which peoples were fighting against colonial domination and alien occupation. She was pleased to note that according to the Secretary-General's report (A/53/287), 153 States were currently parties to the Additional Protocols, which was a step towards achieving their universality, although nine of those States were parties to Protocol I only, and two were parties to Protocol II only. Observing that according to note (a) to the annex to the Secretary-General's report the Government of Switzerland, depositary of the Protocols, had declared that it was not in a position to settle the question of Palestine's accession to the Geneva Conventions and their Additional Protocols, she said that Israel's failure to accede to the Additional Protocols was all the more unfortunate because it was the only High Contracting Party designated by the Security Council as an occupying Power.

12. Although objecting to the Swiss formulation for its participation, Palestine had nevertheless participated as an observer in the recent meeting convened by Switzerland as the depositary to consider general problems concerning the application of the Convention in general and in occupied territories in particular. Despite the usefulness of that meeting, however, its exact relationship with the resolutions adopted at the tenth emergency special session of the General Assembly was ambiguous, as was the precise outcome of the meeting, which its chairman had not yet submitted to the High Contracting Parties or the Secretary-General of the United Nations. She stressed the crucial importance of implementing the recommendations of the tenth emergency special session concerning the convening of a conference on measures to enforce the fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1, and remained confident that the depositary would do its part in that connection.

13. **Mr. Zahnd** (Observer for the International Committee of the Red Cross (ICRC)) said that the Protocols Additional to the Geneva Conventions were still relevant, since civilians continued to be the main victims in war. It was therefore, unfortunately, still vital for States to treat international humanitarian law as a priority. It was encouraging that since the General Assembly's most recent debate on the issue six more States had ratified the Additional Protocols and others were considering doing so. It was essential that the Protocols should acquire the same universality as the Conventions themselves. ICRC also appealed to States that had not yet done so to accept the competence of the International Fact-Finding Commission provided for in article 90 of Protocol I. To date, only 53 States had done so.

14. Having ratified the Additional Protocols, States must translate their undertaking into practice at the national level, in particular by adopting criminal legislation relating to those who committed serious violations. Misuse of the Red Cross or Red Crescent emblem must be eliminated. In addition, there was an urgent need to promote knowledge of the rules of humanitarian law among all those who carried weapons.

15. He welcomed the growing degree of cooperation between ICRC and national parliaments and parliamentary organizations. In that context he recalled that ICRC Advisory Service could provide States with legal advice and technical documentation, as well as facilitating the exchange of information between States. The first periodical meeting of the States Parties to the Geneva Conventions on general problems concerning the application of international humanitarian law had been held in January 1998, and the Swiss Government had recently invited all States Parties to the fourth Geneva Convention to a meeting of experts to discuss general problems relating to its application.

16. ICRC felt that it would be desirable for the agenda item not to be confined to the Additional Protocols but expanded to include humanitarian law in general. That would make it possible to include deliberations on other important treaties, such as the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1980 Convention on Certain Conventional Weapons, including its Protocols on Mines and Blinding Laser Weapons. The Secretary-General's report could then include information on the steps that States had taken to render humanitarian law more effective. Such a review, following the end of the United Nations Decade of International Law, would enable States to retain a forum for the discussion of ways to improve protection for the victims of war.

Agenda item 153: Establishment of an international criminal court (*continued*) (A/C.6/53/L.9)

17. **The Chairman**, referring to draft resolution A/C.6/53/L.9, said that, mindful of the fact that some States had not attended the Diplomatic Conference of Plenipotentiaries and others had voted against the establishment of an international criminal court, the Bureau had taken pains to draft a text, with contributions from many delegations, that would be consensual.

18. **Mr. Verweij** (Netherlands), Vice-Chairman, introducing the draft resolution, said that the following dates

were proposed for the meetings of the Preparatory Commission, mentioned in paragraph 4: 16–26 February 1999, 26 July–13 August 1999 and 29 November–17 December 1999. Some might have preferred the wording of the text to be stronger, but as it currently stood it was acceptable to all.

Agenda item 149: United Nations Decade of International Law

(b) Progress in the action dedicated to the 1999 centennial of the first international peace conference and to the closing of the United Nations decade of international law (*continued*) (A/C.6/53/L.12)

19. **Mr. Panevkin** (Russian Federation), introducing draft resolution A/C.6/53/L.12, drew attention also to documents A/C.6/53/10 and 11, which should be read in conjunction with it. Delegations would be given some time to study the proposals but he hoped that they would find that the draft resolution paid its dues to both the past and the future.

The meeting rose at 4.20 p.m.